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July 22, 2008

Honorable Colleen McMahon
 United States District Judge
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St., Room 640
 New York, NY 10007

MEMO ENDORSED*Via Telefax*

Re: Friendship International Management (SVG) Inc.
 v. Indian Sugar Exim Corp.
 S.D.N.Y. 08 Civ. 5470 (CM)(KNF)

Dear Your Honor:

We represent the plaintiff, Friendship International Management (SVG) Inc., in the captioned civil matter.

On June 23, 2008, Your Honor entered an Order Scheduling an Initial Pretrial Conference to be held on September 26, 2008. Additionally, the Order directed the parties to confer, complete and submit a Civil Case Management Plan within 30 days. The Civil Case Management Plan is, therefore, scheduled to be submitted tomorrow.

The purpose of this letter is to request that we be excused from presenting the Civil Case Management Plan tomorrow. The primary reason for this request is that the defendant has not yet entered an appearance in this case.

By way of fuller explanation, this matter was initiated to assert a maritime claim in order to employ the Supplemental Rules for Admiralty and Maritime Claims. More specifically, the plaintiff asserted a claim for breach of a maritime charter party and prayed for issuance of Process of Maritime Attachment and Garnishment in order to obtain security for its claim. The merits of the underlying claim will be arbitrated in London.

The Court issued Process of Maritime Attachment and Garnishment on June 17, 2008. We served the Process of Maritime Attachment and Garnishment on several banks in New York, as garnishees of the defendant. We were able to restrain several electronic fund transfers being

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*No case mgmt plan
 needed -
 case is a
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 Colleen McMahon
 7/23/08*

made by or to the defendant. The plaintiff now has full security for its claim, and the Process of Maritime Attachment is no longer being served.

The defendant was notified of the attachment by correspondence dated June 20, 2008. We later notified the defendant of the Court's Order by email dated June 30, 2008. To date, the defendant has not entered an appearance, filed any motions or answered the complaint.

I am, however, aware that the defendant just recently retained counsel to represent it in this action. Furthermore, I understand that counsel will be filing an appearance and an Answer shortly.

Having spoken with the counsel retained by the defendant, Sugar Exim Corp., and given the nature of the case, the parties do not anticipate that any additional parties will be joined, there will be no expert reports, the parties do not anticipate that any discovery will be conducted in New York and, most importantly, the merits of the underlying claim will not be tried in New York so there will be no need for a joint pre-trial order. There may be some motion practice with respect to a counterclaim, but, other than that, we anticipate that this will remain an action for security pending the outcome of an arbitration to take place in London or a settlement.

Under these circumstances, I ask that the parties be excused from presenting the Civil Case Management Plan tomorrow.

Respectfully submitted,
Chalos, O'Connor & Duffy, LLP



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